

Portable Fire Extinguishers

WAC 296-800-300

Summary

Important:

The following WISHA rule applies to the placement, use, maintenance, and testing of portable fire extinguishers provided for the use of employees. Your local fire marshall also enforces fire codes which address fire safety that are more comprehensive and may go beyond WISHA rules.

YOUR RESPONSIBILITY:

To provide readily accessible, appropriate portable fire extinguishers for employees in your workplace

You must

Provide portable fire extinguishers in your workplace WAC 296-800-30005	Page 300-3
Select and distribute portable fire extinguishers in your workplace WAC 296-800-30010	Page 300-3
Make sure that portable fire extinguishers are kept fully charged, in operating condition, and left in their designated places WAC 296-800-30015	Page 300-5
Inspect and test all portable fire extinguishers WAC 296-800-30020	Page 300-5
Train your employees to use portable fire extinguishers WAC 296-800-30025	Page 300-9

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Portable Fire Extinguishers

WAC 296-800-300

Summary

WAC 296-800-300 (Continued)



Exemptions:

- You are exempt from the requirements of portable fire extinguishers if you have the following:
 - A written fire safety policy that requires the immediate and total evacuation of employees from the workplace when there is a fire alarm signal
- AND**
- An emergency action plan and a fire prevention plan which meet the requirements of WAC 296-24-567
- AND**
- Portable fire extinguishers in your workplace that aren't accessible for employee use.
- If another WISHA rule requires portable fire extinguishers, then you must comply with these requirements.
- Where extinguishers are provided but aren't intended for employee use and you have an emergency action plan and a fire prevention plan (which meet the requirements of WAC 296-24-567), then only the requirements of WAC 296-800-30020 apply.



Note:

The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire and electrical codes" in the Introduction Section of this book.



Portable Fire Extinguishers

WAC 296-800-300

Rule

WAC 296-800-30005

Provide portable fire extinguishers in your workplace

You must

- (1) Provide approved portable fire extinguishers for your workplace and distribute them so they are readily accessible.
 - Make sure that your portable fire extinguisher doesn't use extinguishing agents such as carbon tetrachloride or chlorobromomethane extinguishing agents. In addition, soda-acid foam, loaded stream, anti-freeze and water extinguishers of the inverting type shall not be recharged or placed into service.
- (2) Mount, locate, and identify portable fire extinguishers so employees can easily reach them, without being subjected to possible injury.

WAC 296-800-30010

Select and distribute portable fire extinguishers in your workplace



Exemption:

- This doesn't apply to the portable fire extinguishers provided for employees to use outside of workplace buildings or structures.
 - You are exempt from the distribution requirements of this rule if you have an emergency action plan (that meets requirements of WAC 296-24-567):
 - Which designates certain employees to be the only employees authorized to use the available portable fire extinguishers
- AND**
- Requires all other employees in the fire area to immediately evacuate the affected work area upon the sounding of the fire alarm.

-Continued-

Portable Fire
Extinguishers



Portable Fire Extinguishers

WAC 296-800-300

Rule

WAC 296-800-30010 (Continued)

You must

- Provide the correct type of portable fire extinguishers and distribute them in your workplace, depending on the type, size, and severity of fire that could occur.
 - The type of portable fire extinguishers you **must** have in your workplace depends on the types of fire hazards that exist in your workplace.

Type of fire hazard	Maximum distance from fire hazard to a fire extinguisher
Wood, cloth, paper, rubber (Class A Fire Hazards)	No more than 75 feet (22.9 m) Note: You may use uniformly spaced standpipe systems or hose stations instead of Class A portable fire extinguishers, if they meet the requirements of WAC 296-24-602 or 296-24-607
Liquids, grease, gases (Class B Fire Hazards)	No more than 50 feet (15.2 m) Note: You may choose to use a smaller fire extinguisher in lieu of that required for the 50 foot distance. If you choose to have the smaller fire extinguisher, the travel distance must not be greater than 30 feet. See UFC Standard 10 Chapter 3 for the basic minimum extinguisher rating allowed.
Live electrical equipment & circuits (Class C Fire Hazards)	Distribute any Class C portable fire extinguishers the same pattern that you have for any Class A or Class B fire hazards. Note: If the electrical equipment is de-energized, you may use a Class A or Class B portable fire extinguisher.
Powder, flakes, & residue from combustible metals, like magnesium & titanium, that build up over a 2-week period (Class D Fire Hazards)	No more than 75 feet (22.9 m)



Portable Fire Extinguishers

WAC 296-800-300

Rule

WAC 296-800-30015

Make sure that portable fire extinguishers are kept fully charged, in operable condition, and left in their designated places

You must

- Make sure that fire extinguishers found with deficiencies are removed from service and replaced with a suitable fire extinguisher.

WAC 296-800-30020

Inspect and test all portable fire extinguishers

You must

- Perform inspections:
 - Make sure that portable fire extinguishers or hose systems (used instead of fire extinguishers) are visually inspected monthly.
 - Perform maintenance checks:
 - Make sure that all portable fire extinguishers are subjected to an annual maintenance check.
 - Keep records of all annual maintenance checks and make available to the department upon request.
 - For 1 year after the last maintenance check
- OR**
- For the life of the shell, whichever is less.
 - Make sure that equal protection is provided when portable fire extinguishers are removed from service for maintenance and recharging.

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Portable Fire
Extinguishers



Portable Fire Extinguishers

WAC 296-800-300

Rule

WAC 296-800-30020 (Continued)



Exemption:

Most stored pressure extinguishers don't require an internal examination. Examples of those that do require an internal examination are those containing a loaded stream agent.

You must

- Perform hydrostatic testing:



Exemption:

- Dry chemical extinguishers that have nonrefillable disposable containers are exempt from this requirement.
- Manually pressurized pumptanks are exempt from this requirement.

You must

- Make sure that portable extinguishers are hydrostatically tested
 - At the intervals listed in Table 1, of this section.
 - Whenever they show evidence of corrosion or mechanical injury.
- Not perform hydrostatic testing on fire extinguishers if:
 - The unit has been repaired by soldering, welding, brazing, or use of patching compounds.
 - The cylinder or shell threads are damaged.
 - Corrosion has caused pitting, including corrosion under removable name plate assemblies.
 - The extinguisher has been burned in a fire.
 - Calcium chloride extinguishing agents have been used in a stainless steel shell.



Note:

Specific rules regarding conducting hydrostatic tests are covered in WAC 296-24-59212.

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Portable Fire Extinguishers

WAC 296-800-300

Rule

WAC 296-800-30020 (Continued)

You must

- Maintain records showing that hydrostatic testing has been performed. Provide the following evidence to the department upon request:
 - Date of test.
 - Test pressure used.
 - The serial number, or other identifier of the fire extinguisher that was tested.
 - Person or agency performing the test.
- Keep records until:
 - The extinguisher is retested

OR

 - The extinguisher is taken out of service, whichever comes first.
- Empty and maintain stored-pressure dry chemical extinguishers requiring a 12-year hydrostatic test, every 6 years.
 - When recharging or hydrostatic testing is performed, the 6-year requirement begins from that date.

Portable Fire
Extinguishers



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Portable Fire Extinguishers

WAC 296-800-300

Rule

WAC 296-800-30020 (Continued)

Hydrostatic Test Table

Type of Extinguisher	Test Interval (Years)
Stored pressure water and/or antifreeze	5
Wetting agent	5
Foam (stainless steel shell)	5
Aqueous film forming form (AFFF)	5
Loaded stream	5
Dry chemical with stainless steel	5
Carbon dioxide	5
Dry chemical, stored pressure, with mild steel brazed brass or aluminum shells	12
Halon 1211	12
Halon 1301	12
Dry powder, cartridge or cylinder operated, with mild steel shell	12



Note:

Due to a manufacturers recall, stored pressure water extinguishers with a fiberglass shell (pre-1976) are prohibited from hydrostatic testing.



Portable Fire Extinguishers

WAC 296-800-300

Rule

WAC 296-800-30025

Train your employees to use portable fire extinguishers

You must

- Train your employees where you have provided portable fire extinguishers for their use in:
 - The hazards involved with incipient stage fire fighting (the early stage of a fire when it can be extinguished by a portable fire extinguisher).
 - The general principles of fire extinguisher use.
- Provide the training when they are first hired and then annually.



Helpful Tool:

Training Documentation Form

This sample Training Documentation Form can help you demonstrate in writing that each employee who needs training has received and understood it. You can find a copy of this sample form in the Resource Section of this book.

**Portable Fire
Extinguishers**



Notes

Exit Routes and Employee Alarm Systems

WAC 296-800-310

Summary

YOUR RESPONSIBILITY:

To provide and maintain emergency exit routes and to install and maintain adequate employee alarm systems

Exit Routes

You must

Provide an adequate number of exit routes WAC 296-800-31005	Page 310-3
Make sure that exit routes are large enough WAC 296-800-31010	Page 310-4
Make sure that exit routes meet their specific design and construction requirements WAC 296-800-31015	Page 310-5
Make sure that each exit route leads outside WAC 296-800-31020	Page 310-6
Provide unobstructed access to exit routes WAC 296-800-31025	Page 310-7
Exit doors must be readily opened from the inside WAC 296-800-31030	Page 310-7
Use side-hinged doors to connect rooms to exit routes WAC 296-800-31035	Page 310-8
Provide outdoor exit routes that meet requirements WAC 296-800-31040	Page 310-8
Minimize danger to employees while they are using emergency exit routes WAC 296-800-31045	Page 310-9
Mark exits adequately WAC 296-800-31050	Page 310-9

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Exit Routes &
Employee Alarm
Systems



Exit Routes and Employee Alarm Systems

WAC 296-800-310

Summary

WAC 296-800-310 (Continued)

Provide adequate lighting for exit routes and signs WAC 296-800-31053	Page 310-10
Maintain the fire retardant properties of paints or other coatings WAC 296-800-31055	Page 310-10
Maintain emergency safeguards WAC 296-800-31060	Page 310-11
Maintain exit routes during construction and repair WAC 296-800-31065	Page 310-11
Provide doors in freezer or refrigerated rooms that open from the inside WAC 296-800-31067	Page 310-12

Employee Alarm Systems

You must

Install and maintain an appropriate employee alarm system WAC 296-800-31070	Page 310-12
Establish procedures for sounding emergency alarms WAC 296-800-31075	Page 310-14
Test the employee alarm system WAC 296-800-31080	Page 310-15



Exemption:

This rule doesn't apply to vehicles, vessels, or other mobile structures.



Note:

The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire, and electrical codes" in the Introduction Section of this book.



Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

EXIT ROUTES

WAC 296-800-31005

Provide an adequate number of exit routes

You must

- Provide a minimum of 2 exit routes to provide different ways for employees to leave the workplace safely during an emergency (at least 2 of the exit routes must be remote from one another so employees can safely exit if one exit route becomes blocked or unavailable).
- Provide an adequate number (at least 2) of exit routes, considering the kind, number, location and capacity, appropriate to each building according to the following conditions:
 - Number of employees
 - Size of building
 - Arrangement of workplace
 - Building occupancy



Note:

A single exit route is permitted where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace indicates that a single exit will allow all employees to exit safely during an emergency. Other means of escape, such as fire exits or accessible windows, should be available where only one exit route is provided.

Exit Routes &
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Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31010

Make sure that exit routes are large enough

You must

- Make sure each exit route is large enough to accommodate the maximum-permitted occupant load for each floor served by the route.
- Make sure the capacity of an exit route doesn't decrease at any point.
- Make sure an exit route is at least 6 feet 8 inches high at all points.
 - Make sure objects that stick out into the exit route, such as fans hanging from the ceilings or cabinets on walls, don't reduce the minimum height and width of the exit route.
- Make sure exit routes are at least 28 inches wide at all points between any handrails.
 - If necessary, routes must be wider than 28 inches to accommodate the expected occupant load.



Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31015

Make sure that exit routes meet their specific design and construction requirements

You must

- Make sure each exit is a permanent part of the workplace.
- Make sure an exit route has only those openings necessary to permit access to, or exit from, occupied areas of the workplace.
- Make sure any opening into an exit through a fire wall is protected by a self-closing fire door that remains closed.
- Make sure each fire door, its frame, and its hardware is listed or approved by a nationally recognized testing laboratory.
- Make sure construction materials, used to separate an exit route, have at least:
 - One-hour fire resistance rating if the exit connects 3 stories or less.
 - 2-hour fire resistance rating if the exit connects 4 stories or more.
- Make sure employees are provided with stairs or a ramp, if the exit route isn't substantially level.

Exit Routes &
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Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31020

Make sure that each exit route leads outside

You must

- Make sure that building exit routes lead:
 - Directly outside or to a street, walkway;
- **OR**
 - To an open space with access to the outside.
 - To streets, walkways, or open spaces large enough to accommodate all building occupants likely to use the exit.
- Make sure the exit routes clearly show the route employees use to leave the building in an emergency.
- Install a standard safeguard with a warning sign, if a doorway or corner of a building could allow an employee to walk in front of an engine or trolley.
- Use doors, partitions, or other effective means to show employees the correct route out of the building, if the stairs in your exit route lead anywhere but out of the building.



Note:

If the stairs in your exit route lead past the exit to the basement, you might install a gate at the point they lead towards that basement. The gate could help your employees stay on the exit route taking them out of the building.

Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31025

Provide unobstructed access to exit routes

You must

- (1) Provide exit routes that are always free of obstructions so all employees can safely exit the building during an emergency.
- (2) Make sure employees aren't required to travel to a dead end or through a room that can be locked, such as a restroom.

WAC 296-800-31030

Exit doors must be readily opened from the inside



Exemption:

An exit door may be locked or blocked from the inside in a mental, penal, or correctional institution, if supervisory personnel are continuously on duty and a plan exists to remove employees and inmates during an emergency.

You must

- Make sure all exit doors readily open from the inside without keys, tools, or special knowledge. A device that locks only from the outside, such as a panic bar, is permitted. An exit door must be free of any device or alarm that could restrict emergency use of an exit if the device or alarm fails.

Exit Routes &
Employee Alarm
Systems



Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31035

Use side-hinged doors to connect rooms to exit routes

You must

- Use a side-hinged exit door to connect any room to an exit route. The door must swing out when the room:
 - Is occupied by more than 50 persons
- OR**
- Contains highly flammable or explosive materials.

WAC 296-800-31040

Provide outdoor exit routes that meet these requirements

You must

- Make sure an outdoor exit route (such as an interior balcony, porch, gallery, or roof) meets all requirements for an indoor exit route. In addition, an outdoor exit route must also:
 - Have guardrails to protect unenclosed sides.
 - Be covered if snow or ice is likely to accumulate without regular removal.
 - Be reasonably straight with smooth, solid, substantially level floors.
 - Have no dead ends more than 20 feet long that branch off of the exit route.



Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31045

Minimize danger to employees while they are using emergency exit routes

You must

- Maintain each exit route to minimize danger to employees during an emergency.
- Keep each exit route free of explosive or highly flammable furnishings and decorations.
- Not require employees to travel toward areas where high hazard materials are stored, unless the route is protected by partitions or physical barriers. High hazard materials are materials that:
 - Burn quickly
 - Emit poisonous fumes when burned
 - Are explosive

WAC 296-800-31050

Mark exits adequately

You must

- Mark each exit with a clearly visible, distinctive sign reading "EXIT."
- Make sure the letters in the word "EXIT" are at least six inches high and 3/4 inch wide.
- Mark any doorway or passage that might be mistaken for an exit with "NOT AN EXIT" or with an indication of its actual use.
- Make sure exit signs are a distinctive color.
- Make sure signs are posted and arranged along exit routes to adequately show how to get to the nearest exit and clearly indicate the direction of travel.
- Not obstruct or conceal exit signs in any way.
- Keep exit doors free of signs or decorations that obscure their visibility.

Exit Routes &
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Systems



Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31053

Provide adequate lighting for exit routes and signs

You must

- Illuminate each exit route adequately and reliably.
- Have at least 5 foot-candles illumination from a reliable light source.
- Make sure any exit signs illuminated by artificial lights and made of translucent material (other than internally illuminated types).
 - Have screens, discs or lens of at least 25 square inches in size

AND

- Show red or other designated color on the approach side of the exit.
- Make sure brightly lit signs, displays, or objects in or near the line of vision don't distract attention from the exit sign.
- Make sure exit signs that are self-lighting have a minimum luminance surface value of .06 footlamberts.

WAC 296-800-31055

Maintain the fire retardant properties of paints or other coatings

You must

- Maintain any paints or other coatings with fire retardant properties so they retain their fire retardant properties.

Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31060

Maintain emergency safeguards

You must

- Maintain each safeguard in proper working order to protect employees during an emergency. Emergency safeguards include items such as:
 - Sprinkler systems
 - Alarm systems
 - Fire doors
 - Exit lighting.

WAC 296-800-31065

Maintain exit routes during construction and repair

You must

- Have enough exit routes that comply with these rules before letting your employees occupy a workplace under new construction.
- Make sure that employees don't occupy an existing workplace unless:
 - All exits and existing fire protection are maintained

OR

 - Alternate fire protection is provided that ensures an equivalent level of safety.
- Make sure that flammable or explosive materials used during construction or repair don't expose employees to additional hazards or prevent emergency escape.

Exit Routes &
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Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31067

Provide doors in freezer or refrigerated rooms that open from the inside

You must

- Make sure that walk-in refrigerators or freezer rooms have doors with opening devices allowing them to be opened from the inside even when they are locked from the outside.

EMPLOYEE ALARM SYSTEMS

WAC 296-800-31070

Install and maintain an appropriate employee alarm system



Exemptions:

- If you have 10 or fewer employees in a particular workplace, you can use direct voice communication to sound the alarm, if all employees can hear it. For this kind of workplace, you don't need a back-up system.
- In workplaces where employees wouldn't otherwise be able to recognize audible or visible alarms, you can use tactile devices to alert them.

You must

- Make sure that a working employee alarm system with a distinctive signal to warn employees of fire or other emergencies is installed and maintained, unless employees can see or smell a fire or other hazard.

-Continued-

Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31070 (Continued)

- Make sure that the following systems meet the requirements of this rule, if you use them as your employee alarm system:
 - Supervisory alarms.
 - Discharge alarms.
 - Detection systems required on fixed extinguishing systems.
 - Detection systems required on fire suppression systems.
- Make sure that your employee alarm systems are:
 - Providing enough warning to allow employees to safely escape from the workplace, the immediate work area, or both.
 - Noticeable above surrounding noise or light levels by all employees in the affected portions of the workplace.
 - Distinctive and recognizable as a signal, to evacuate the work area.
 - Restored to working order as soon as possible, after each test or alarm.
 - Supervised, if installed after July 1, 1982, and if it has that capacity.
 - Able to alert assigned personnel whenever a malfunction exists in the system.
 - Adequately warning employees of emergencies.
 - Serviced, maintained, and tested by a person trained in the alarm system's design and functions to keep the system operating reliably and safely.
 - In working order, except when undergoing repairs or maintenance.
 - Warning employees of fire or other emergencies with a distinctive signal, if they aren't able to see or smell a fire or other hazard.
 - Manual actuation devices that, if provided, are unobstructed, easy to find, and readily accessible.
 - Using alarm devices, components, combinations of devices, or systems with approved construction and installation. This applies to steam whistles, air horns, strobe lights, or similar lighting devices, as well as tactile devices.

-Continued-

Exit Routes &
Employee Alarm
Systems



Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31070 (Continued)

- Supplied with spare alarm devices available to restore the system promptly if a component breaks, is worn, or destroyed.
- Kept in full operating condition by maintaining and replacing power supplies as often as necessary.
- Supplied with a back-up means of alarm, such as employee runners or telephones, when regular systems are out of service.

WAC 296-800-31075

Establish procedures for sounding emergency alarms

You must

- Explain to each employee how to sound the alert for emergencies. Methods of reporting emergencies can include:
 - Manual pull box alarms
 - Public address systems
 - Radio
 - Telephones.
- Post emergency numbers near telephones, employee notice boards, or other conspicuous locations, if you use telephones to report emergencies.
- Require that all emergency messages have priority over all nonemergency messages if the communication system also serves as an employee alarm system.



Exit Routes and Employee Alarm Systems

WAC 296-800-310

Rule

WAC 296-800-31080

Test the employee alarm system

You must

- Test the reliability and adequacy of your employee alarm system every 2 months.
 - Use a different activation device in each test of a multiactuation device system, so the entire alarm system gets tested.
- Make sure that supervised (monitored) employee alarm systems are tested at least once a year for reliability and adequacy.

Exit Routes &
Employee Alarm
Systems



Notes

Accident Reporting & Investigating

WAC 296-800-320

Summary



YOUR RESPONSIBILITY:

To report and conduct an investigation of certain types of accidents

You must:

Report the death, probable death of any employee, or the in-patient hospitalization of 2 or more employees within 8 hours
WAC 296-800-32005 Page 320-2

Make sure that any equipment involved in an accident isn't moved
WAC 296-800-32010 Page 320-3

Assign people to assist the Department of Labor and Industries
WAC 296-800-32015 Page 320-4

Conduct a preliminary investigation for all serious injuries
WAC 296-800-32020 Page 320-5

Document the investigation findings
WAC 296-800-32025 Page 320-6



Note:

Call the nearest office of the Department of Labor and Industries at 1-800-4BE SAFE or call Occupational Safety and Health Administration (OSHA) at 1-800-321-6742, to report the death, probable death of any employee or the in-patient hospitalization of 2 or more employees within 8 hours, after handling medical emergencies.



Accident Reporting & Investigating

WAC 296-800-320

Rule

WAC 296-800-32005

Report the death, probable death of any employee, or the in-patient hospitalization of 2 or more employees within 8 hours

You must

- Contact the nearest office of the Department of Labor and Industries in person or by phone at 1-800-4BE SAFE to report within 8 hours of the work-related incident or accident:
 - A death
 - A probable death
 - 2 or more employees are admitted to the hospital
- OR**
- Contact the Occupational Safety and Health Administration (OSHA) by calling its central number at 1-800-321-6742.
- Provide the following information within 30 days concerning any accident involving a fatality or hospitalization of 2 or more employees:
 - Name of the work place
 - Location of the incident
 - Time and date of the incident
 - Number of fatalities or hospitalized employees
 - Contact person
 - Phone number
 - Brief description of the incident.



Note:

If you don't learn about the incident at the time it occurs, you must report the incident within 8 hours of the time it was reported to you, your agent, or employee.

Accident Reporting & Investigating

WAC 296-800-320

Rule

WAC 296-800-32010

Make sure that any equipment involved in an accident isn't moved

You must

- Not move equipment involved in a work or work related accident or incident if any of the following results:
 - A death
 - A probable death
 - 2 or more employees are sent to the hospital.
- Not move the equipment until a representative of the Department of Labor and Industries investigates the incident and releases the equipment unless:
 - Moving the equipment is necessary to:
 - Remove any victims.
 - Prevent further incidents and injuries.



Helpful Tool:

Accident/Incident Table

The Accident/Incident table can help you in the event of an accident or incident. You can find a copy of this table in the Resource Section of this book.





Accident Reporting & Investigating

WAC 296-800-320

Rule

WAC 296-800-32015

Assign people to assist the Department of Labor and Industries

You must

- Assign witnesses and other employees to assist Department of Labor and Industries personnel who arrive at the scene to investigate the incident involving:
 - A death
 - Probable death
 - 2 or more employees are sent to the hospital.Include:
 - The immediate supervisor
 - Employees who were witnesses to the incident
 - Other employees the investigator feels are necessary to complete the investigation.

Accident Reporting & Investigating

WAC 296-800-320

Rule

WAC 296-800-32020

Conduct a preliminary investigation for all serious injuries

You must

- Make sure your preliminary investigation is conducted to evaluate the facts relating to the cause of the incident by the following people:
 - A person designated by the employer.
 - The immediate supervisor of the injured employee.
 - Witnesses.
 - An employee representative, such as a shop steward or other person chosen by the employees to represent them.
 - Any other person who has the experience and skills.
- If the employee representative is the business agent of the employee bargaining unit and is unavailable to participate without delaying the investigation group, you may proceed, by using one of the following:
 - The shop steward.
 - An employee representative member of your safety committee.
 - A person selected by all employees to represent them.



Note:

A preliminary investigation includes noting information such as the following:

- Where did the accident or incident occur?
- What time did it occur?
- What people were present?
- What was the employee doing at the time of the accident or incident?
- What happened during the accident or incident?





Accident Reporting & Investigating

WAC 296-800-320

Rule

WAC 296-800-32025

Document the preliminary investigation findings

You must

- Document the preliminary investigation findings for use at any formal investigation.



Helpful Tool:

Accident Investigation Report

The Accident Investigation Report can help you report and investigate workplace accidents. You can find a sample copy of the report in the Resource Section of this book.

Releasing Accident Investigation Reports

WAC 296-800-330

Rule

WAC 296-800-330

Releasing accident investigation reports

The Department must

- Keep accident investigations and related reports confidential.
- Not freely release results of accident investigations and related reports that are confidential.
- Make available accident investigation reports, without the need of a court order, only to the following:
 - Injured workers, their legal representatives, or their labor organization representatives.
 - The legal representative or labor organization representative of a deceased worker.
 - The employer of any injured or deceased worker.
 - Any other employer or person whose actions or business operations are the subject of the report or investigation.
 - Any attorney representing a party in any pending legal action in which an investigative report constitutes material and relevant evidence.
 - Employees of governmental agencies in the performance of their official duties.
 - Any beneficiary of a deceased worker actually receiving benefits under the terms of Title 51 RCW, the Industrial Insurance Act.



Note:

The records officer may provide accident investigation reports to the closest surviving member of the deceased worker's immediate family.

Releasing Accident
Investigation Reports



Notes

Protecting the Identity of the Source of Confidential Information

WAC 296-800-340

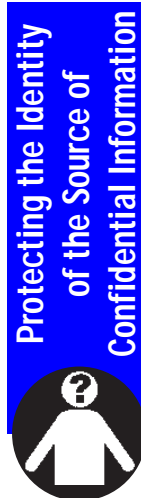
Summary/Contents/Rules

WAC 296-800-340

Protecting the identity of the source of confidential information

The Department must

- Not reveal the source of information when a promise has been made to keep the identity of the source confidential.
- Not disclose information that would reveal the source's identity, whenever a department file contains an investigative report or information from a source under a promise of confidentiality.
 - The contents of an investigative report may be withheld only to the extent necessary to conceal the identity of the source.
 - When information is withheld, the records officer must give a general characterization of the information withheld, but must not reveal the identity of the information's source.



Notes

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Summary

Introduction:

This section describes actions WISHA takes during or after inspections, and your related obligation and rights.

YOUR RESPONSIBILITY:

You must follow posting requirements and notify your employees of the information listed in these rules, as indicated.

You must

Wisha Inspections and Citations

Types of workplace inspections
WAC 296-800-35002 Page 350-6

Scheduling inspections
WAC 296-800-35004 Page 350-7

Inspection techniques
WAC 296-800-35006 Page 350-8

Response to complaints submitted by employees
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Citations mailed after an inspection
WAC 296-800-35010 Page 350-9

Employees (or their representatives) can request
a Citation and Notice
WAC 296-800-35012 Page 350-10

Posting a citation and notice and employee
complaint information
WAC 296-800-35016 Page 350-11

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<http://www.lni.wa.gov/>



WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Summary

WAC 296-800-350 (Continued)

Civil Penalties for Violating WISHA Requirements

Reasons to assess civil penalties
WAC 296-800-35018 Page 350-11

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Base penalty calculations - severity and
probability
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WAC 296-800-35028 Page 350-15

Base penalty adjustments
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Types of base penalty adjustments
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Minimum and maximum adjusted base penalty amount
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WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Summary

WAC 296-800-350 (Continued)

Certify that Violations have been Abated

Employers must certify that violations have been
abated

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For willful, repeated, or serious violations, submit
additional documentation

WAC 296-800-35044Page 350-21

Submitting correction action plans

WAC 296-800-35046Page 350-21

Submit progress reports to the Department,
when required

WAC 296-800-35048Page 350-22

WISHA determines the date by which abatement
documents must be submitted

WAC 296-800-35049Page 350-23

Inform affected employees and their representatives
of abatement actions you have taken

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Tag cited moveable equipment to warn employees
of a hazard

WAC 296-800-35052Page 350-24

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WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Summary

WAC 296-800-350 (Continued)

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Requesting an Appeal of WISHA Citations and Corrective Notices

Employers and employees can request an appeal of a Citation and Notice WAC 296-800-35076	Page 350-31
Await the Department's response to your appeal request WAC 296-800-35078	Page 350-33

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WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Summary

WAC 296-800-350 (Continued)

Department actions when reassuming jurisdiction
over an appeal

WAC 296-800-35080Page 350-34

Appealing a corrective notice

WAC 296-800-35082Page 350-34

Notify employees

WAC 296-800-35084Page 350-35





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WISHA Inspection and Citations

WAC 296-800-35002

Types of workplace inspections

- WISHA conducts the following types of inspections:
 - Programmed inspections of hazardous workplaces.

WISHA identifies hazardous workplaces using objective criteria and inspection-scheduling systems that may look at any of the following factors:

 - Type of industry
 - Available data of injuries and illnesses where an inspection might eliminate the hazards causing them
 - Employer's industrial insurance experience
 - Number, type, and toxicity of contaminants in the workplace
 - Degree of exposure to hazards
 - Number of employees exposed
 - Other factors, such as history of employee complaints.

WISHA periodically reviews the scheduling systems and may adjust the factors used and/or the weight given to each factor
 - Routine programmed inspections in the following high hazard industries:
 - Agriculture
 - Asbestos renovation and demolition
 - Construction
 - Electrical utilities and communications
 - Logging
 - Maritime.

-Continued-

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35002 (Continued)

- Unprogrammed inspections of workplaces that may be in violation of WISHA safety or health rules or Chapter 49.17 RCW, the Washington Industrial Safety and Health Act. Unprogrammed inspections may result because of:
 - Complaints from employees, former employees, or employee representatives who believe they have been exposed to a hazard because of a violation.
 - Referrals from anyone who reasonably believes that workers under WISHA jurisdiction are being or have been exposed to a hazard because of a violation.
- Workplace deaths and serious injuries or illnesses investigations to determine if they were caused by a violation of safety and health rules or chapter 49.17 RCW, the Washington Industrial Safety and Health Act. WISHA may also initiate comprehensive inspections based on such investigations.
- Imminent danger of serious injury or death inspections when there is a reason to believe that employees may be in imminent danger of serious injury or death.
- Follow-up inspections at later dates to verify that you have corrected any hazards identified in a citation.

WAC 296-800-35004

Scheduling inspections

- WISHA distributes staff performing inspections as efficiently as possible to ensure maximum protection for workers.





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35006

Inspection techniques

- During an inspection, WISHA staff may:
 - Take samples, photographs, videotapes, or audiotapes
 - Conduct tests
 - Ask employees to wear sampling devices
 - Conduct interviews
 - Privately question, on or off the worksite, any:
 - Employer
 - Employer representative
 - Owner
 - Operator
 - Employee
 - Employee representative.
 - Employ any other reasonable investigative techniques.

WAC 296-800-35008

Response to complaints submitted by employees or their representatives

- When an employee or their representative has filed a complaint, WISHA will:
 - Remove the name of the person submitting the complaint and the names of any employees identified in the complaint before giving a copy of the complaint to an employer, unless the person filing the complaint gives WISHA written permission to release the names involved.
 - Give a copy of the Citation and Notice to the employee (or their representative) who submitted the complaint, or explain to them why an inspection wasn't conducted.

-Continued-

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35008 (Continued)

- Review any department decision refusing to inspect or cite violations alleged in a complaint, if requested in writing.
- Notify the person in writing of the review results. If the person requesting the review isn't satisfied with the results, they may request a second review by the Department.

WAC 296-800-35010

Citations mailed after an inspection

- After an inspection or an investigation, WISHA will mail a citation to you within 6 months following the inspection or investigation.
- The citation will include:
 - A description of any violations found
 - The amount and type of assessed penalties
 - The length of time given to correct the violations.
- If no violations are found, WISHA will normally send you a Citation and Notice indicating that no violations were found.



Note:

- Copies of WISHA safety and health inspection reports can be requested. The request should be mailed to:
DEPARTMENT OF LABOR AND INDUSTRIES
PUBLIC DISCLOSURE UNIT
P.O. BOX 44632
OLYMPIA WA 98504-4632
- You can also contact your local Labor and Industries field office for information on requesting copies of inspection reports (see the Resource Section of this book).





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35012

Employees (or their representatives) can request a Citation and Notice

- Employees or their representatives may request copies of Citation and Notices issued to the employer.
 - Complete the Request for Copy of Citation and Notice form, and mail it to:
DEPARTMENT OF LABOR AND INDUSTRIES
STANDARDS AND INFORMATION
P.O. BOX 44638
OLYMPIA WA 98504-4638



Note:

- To obtain a copy of the Request for Copy of Citation and Notice form, call 360-902-5534, or contact your local Labor and Industries office (see the Resource Section for a complete list of the offices.)
- If you submit this form, you'll receive all Citation and Notices issued to that employer for the next 12 months.
 - When the Department approves the request for a copy of a Citation and Notice, WISHA will indicate the date the application is approved, and the date it expires. Once approved, your application is valid for one year. Once expired, a one-year extension may be requested.
 - You can waive the one-year period when you make your initial request.
 - If more than one employee representative requests a copy of the same Citation and Notice, the Department may decide which person will receive the copy of the Citation and Notice.
- The Department can deny requests for copies of Citation and Notices if the person filing the request isn't an employee representative.

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35016

Posting a Citation and Notice and employee complaint information

You must

- Immediately notify your employees of a citation and notice by posting them and/or any correspondence related to an employee complaint on the safety bulletin board for 3 working days, or until all violations have been corrected, whichever is longer.
- Use any other appropriate means to notify employees who can't receive notices posted on the safety bulletin board; for example, a copy to authorized employee representatives or the safety committee, or copies sent electronically.

Civil Penalties for Violating WISHA Requirements

WAC 296-800-35018

Reasons to assess civil penalties

- WISHA may assess civil penalties when a citation and notice is issued for any violation of health and safety rules, or statutes found during an inspection.
- WISHA will assess civil penalties:
 - When a citation for a serious violation is issued.
 - Under other circumstances specified by statute (such as RCW 49.17.180, 49.26.016, 49.17.177, 49.70.190).
- Civil penalties promote compliance, encouraging employers to correct violations before an inspection takes place and avoiding the risk of receiving a penalty assessment. Civil penalties help promote a level playing field for employers complying with the rules by assessing penalties for those who don't comply.



WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35020

Minimum penalties

- The minimum penalty amounts assessed by WISHA are:
 - \$100 for any penalty
 - \$5,000 per violation for all willful violations.

How Civil Penalties are Calculated

WAC 296-800-35022

Base penalty calculations-severity and probability

- Except for specific penalty amounts that are dictated by statute, WISHA calculates the base civil penalty for a violation by evaluating:
 - The severity of the injury, illness, or disease that could result from the alleged hazard.
 - The probability that an injury, illness, or disease could occur as a result of the alleged hazard.

WAC 296-800-35024

Severity rate determination

- Severity describes how serious an injury, illness, or disease might be because of a hazardous condition. Severity ratings are based on the most serious injury, illness, or disease that could be reasonably expected to occur because of a hazardous condition (see Table 1).
- Severity ratings are expressed in whole numbers and range from 1 (lowest) to 6 (highest). A violation with a severity rating of 4, 5, or 6 is considered to be a serious violation.

-Continued-

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35024 (Continued)

TABLE 1: SEVERITY RATINGS

Severity	Most serious injury, illness, or disease likely to result in:
6	Death from injury, illness or disease; injuries involving permanent severe disability; chronic, irreversible illness.
5	Permanent disability of a limited or less severe nature, injuries or reversible illnesses resulting in hospitalization.
4	Injuries or temporary, reversible illnesses resulting in serious physical harm (but less than 5 or 6 above) and may require removal from exposure or supportive treatment without hospitalization for recovery.
3	Injuries or illness would probably not cause death or serious physical harm, but violations have at least major impact and an indirect relationship to serious injury, illness or disease. Violations could have direct and immediate relationship to safety and health of employees. No need for medical treatment beyond first aid.
2	Nonserious or general violations of minor impact, including violations that have an indirect relationship to nonserious injury, illness or disease. No injury, illness or disease without additional violations.
1	No injury, and not likely to result in injury in the presence of other violations.





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35026

Probability rate determination

- Probability refers to the likelihood of an injury, illness or disease occurring, and is expressed in whole numbers ranging from 1 (lowest) to 6 (highest). Probability doesn't change severity.
- When determining probability, WISHA considers the number of employees affected and other factors, depending on the situation. Other factors may include:
 - Frequency of employee exposure.
 - Instances (number of times the same violation occurs in the workplace).
 - How close an employee is to the hazard.
 - Weather and other working conditions.
 - Employee skill level.
 - Employee awareness of the hazard.
 - The pace, speed, and nature of the task or work.
 - Use of personal protective equipment.
 - Amount of exposure (for health violations).
 - Other mitigating or contributing circumstances.

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35028

Determining the gravity of a violation

- WISHA calculates most base penalties by assigning a weight to a violation. This weight is called "gravity." Gravity is calculated by multiplying a violation's severity by its probability. Expressed as a formula, gravity is: $\text{Gravity} = \text{Severity} \times \text{Probability}$.
- Unless a particular rule establishes penalty amounts for specific violations, WISHA uses Table 2 to determine the dollar amount for each base penalty.

Table 2: Penalty Amount Using Gravity

Gravity	Base Penalty
1	\$100
2	\$200
3	\$300
4	\$400
5	\$500
6	\$1000
8	\$1500
9	\$2000
10	\$2500
12	\$3000
15	\$3500
16	\$4000
18	\$4500
20	\$5000
24	\$5500
25	\$6000
30	\$6500
36	\$7000





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35030

Base penalty adjustments

- WISHA may adjust an employer's base penalty amount because of the good faith effort, size, and compliance history. No adjustments are made to penalty amounts specified by statute.

WAC 296-800-35032

Types of base penalty adjustments

Employer's Good Faith

- An employer's good faith effort (or lack of) may justify increasing or decreasing a base penalty. No single factor determines good faith. Good faith is a reflection of an employer's:
 - Effort before an inspection to provide a safe and healthful workplace for employees.
 - Effort to comply with a standard they have violated.
 - Cooperation during an inspection that is measured by a desire to comply with the cited standard and immediately correct identified hazards.
- WISHA uses Table 3 to adjust base penalty amounts because of good faith effort.

TABLE 3: GOOD FAITH ADJUSTMENTS

Good Faith Rating	Adjustment to Base Penalty
Excellent	35% reduction
Good	20% reduction
Average	No adjustment
Poor	20% increase

-Continued-

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35032 (Continued)

Employer's Work Force Size

- WISHA may adjust base penalties due to the size of an employer's work force in the State of Washington by using Table 4.

TABLE 4: SIZE ADJUSTMENTS

Number of Employees	Adjustment to Base Penalty
1-25	60% reduction
26-100	40% reduction
101-250	20% reduction
More than 250	No adjustment

Employer's Compliance History

- WISHA may adjust a base penalty based on an employer's history of safety and health violations in the State of Washington, using previous citations as well as injury and illness rates (see Table 5).

TABLE 5: HISTORY ADJUSTMENTS

History Rating	Adjustment to Base Penalty
Good	10% reduction
Average	No adjustment
Poor	10% increase

WAC 296-800-35038

Minimum and maximum adjusted base penalty amounts

- The maximum penalty for a violation other than repeat, willful, egregious or failure-to-abate is \$7,000.
- The minimum adjusted base penalty for any violation carrying a penalty is \$100.00.





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35040

Reasons for increasing civil penalty amounts

- WISHA may **increase** civil penalties by applying a multiplier to an adjusted base penalty. Multipliers may be applied for the following reasons:

- Repeat Violations:

A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard:

- WISHA cites such violations if the final order for the previous citation was dated no more than three years prior to the employer committing the violation being cited.
- The adjusted base penalty will be multiplied by the total number of citations with violations involving similar hazards, including the current inspection.
- The maximum penalty can't exceed \$70,000 for each violation.

- Willful Violations:

A willful violation is a voluntary action done either with an intentional disregard of, or plain indifference to, the requirements of the applicable WISHA rule(s):

- For all willful violations, the adjusted base penalty will be multiplied by 10.
- All willful violations will receive at least the statutory minimum penalty of \$5,000.
- The maximum penalty can't exceed \$70,000 for each violation.

For example: When management is aware that employees are resistant to following specific WAC rule(s); employee resistance results in imminent danger situation or a serious violation; and management fails to make efforts that are effective in practice to overcome the resistance, then WISHA will presume that the failure constitutes voluntary action.

-Continued-

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35040 (Continued)

- Egregious Violations:

An egregious violation may be issued for exceptionally flagrant cases involving willful violations. In these cases, WISHA will issue a separate penalty for each instance of an employer failing to comply with a particular rule.

- Failure-to-Abate Violations:

A failure-to-abate violation occurs when an employer who has been cited for a WISHA violation, fails to correct the violation on time (certifying corrected violations is covered in WAC 296-800-35042 through 296-800-35052).

- Based on the facts at the time of reinspection, WISHA will:
 - Multiply the adjusted base penalty by a factor of at least 5, but up to 10, based on the employer's effort to comply.
 - Multiply the adjusted base penalty by the number of calendar days past the correction date.
 - The maximum penalty can't exceed \$7,000 per day for every day the violation is not corrected





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

Certify that Violations have been Abated

WAC 296-800-35042

Employers must certify that violations have been abated

You must

- Certify within 10 calendar days following the correction date that you have abated each violation, unless the compliance officer indicates in your citation and notice that you have corrected the violations. Include the following:
 - Your name and address.
 - The inspection number your written statement applies to.
 - The citation and item numbers your written statement applies to.
 - The date and method you used to abate each violation.
 - That you informed your affected employees and their representatives that each violation was corrected.
 - That the information you submitted is accurate.
 - Your signature or the signature of your authorized representative.

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35044

For willful, repeated, or serious violations, submit additional documentation

You must

- Submit additional documentation for each willful or repeated violation supporting that abatement is completed. This documentation may include, but isn't limited to:
 - Evidence of the purchase, or repair, of equipment.
 - Photographic or video evidence of corrections.
 - Other written records.
- Submit additional documentation for a serious violation, when required by the citation and notice.

WAC 296-800-35046

Submitting correction action plans

You must

- Submit a correction action plan within 25 calendar days from the final order date if the Citation and Notice requires it. Your plan must:
 - Identify the violation
 - List the steps you will take to correct the violation.
 - Include a schedule to complete the steps.
 - Describe how employees will be protected until the corrections are completed.

-Continued-



WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35046 (Continued)



Note:

- The Department will notify you in writing if there is anything inadequate about your plan and will work out the problems.
- When determining if required documents are submitted on time, the Department looks at the postmark date for documents sent by standard mail and the date received by other means, such as personal delivery or fax.

WAC 296-800-35048

Submit progress reports to the Department when required

You must

- Submit progress reports on the abatement if the Citation and Notice requires it and briefly state (a single sentence is normally adequate for each violation):
 - The action taken to abate each violation.
 - The date each action was taken.



Note:

If progress reports are required, the Citation and Notice will include:

- The items for which periodic progress reports are required.
- The date when an initial progress report must be submitted (no sooner than 30 calendar days after you submit a correction plan).
- Whether additional progress reports are required.
- The date(s) on which additional progress reports must be submitted.

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35049

WISHA determines the date by which abatement documents must be submitted

- When determining if required documents are submitted on time, the Department looks at:
 - Date of postmark for documents sent by mail.
 - Date the Department receives the documents, if transmitted by a means other than mail.

WAC 296-800-35050

Inform affected employees and their representatives of abatement actions you have taken

You must

- Post a copy of each abatement action document you submit to the Department (or a summary) near the place where the violations occurred, if practical.
- Do the following if posting near the violation site isn't practical, such as with a mobile work operation:
 - Post each document (or a summary) in a location that is readily accessible by affected employees and their representatives.
 - Take other steps to fully communicate abatement actions to affected employees and their representatives.

-Continued-



WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35050 (Continued)

- Make sure that:
 - Notice is given to your employees and their representatives on or before the date you submit abatement information to the department.
 - All abatement documents remain posted for at least 3 working days after they are submitted to the department.
 - All posted abatement documents aren't altered, defaced, or covered by other materials.
- Inform employees and their representatives of their right to examine and copy all abatement documents you submit to the department. If they ask to examine or copy your documents within 3 working days of receiving notice that you submitted them to the Department, you have 5 days to comply with their request after receiving it.

WAC 296-800-35052

Tag cited moveable equipment to warn employees of a hazard

You must

- Tag cited moveable equipment to warn employees of a hazard if it hasn't been abated.
 - Attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component:
 - For hand-held equipment, tag it immediately after you receive a citation.
 - For other equipment, tag it before moving it within the worksite or between worksites.
 - The tag should properly warn employees about the nature of the violation and tell them where the citation is posted (see the Helpful Tools Section for a sample tag that can be used to meet this requirement).

-Continued-

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35052 (Continued)

- Make sure that the tag or copy of the citation attached to movable equipment isn't altered, defaced, or covered by other materials
- Make sure that the tag or copy of the citation attached to movable equipment remains attached until:
 - You have abated the violation and submitted all abatement certification documents required by the department.
 - You have permanently removed the cited equipment from service.
 - You no longer have control over the cited equipment.
 - A final order sets aside the violation.



Note:

Chapter 296-155 WAC, Safety Standards for Construction Work and Chapter 296-24 WAC, General Safety and Health Standards have information on warning tags. You can use warning tags that meet the requirements in those rules instead of the warning tags required by this rule.





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

Requesting more Time to Comply

WAC 296-800-35056

You can request more time to comply

- You can request more time to comply if you:
 - Have made a good faith effort to comply with a citation's abatement requirements.
 - Haven't completed your abatement because of factors beyond your control.
- Requests for more time must:
 - Be submitted in writing by you or your representative, and include:
 - The name of your business.
 - The address of the workplace(s).
 - Identification of the citation and the abatement date(s) you want extended.
 - The new abatement date and length of abatement period you are seeking.
 - A description of the actions you have taken to comply with the abatement date(s) in the citation.
 - Identification of the factors beyond your control that are preventing you from complying with the abatement date(s).
 - The means you will use to protect your employees during the time you are abating the violation.
 - Be received before midnight of the date you are asking to be extended.

-Continued-

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35056 (Continued)

- The Department may accept late requests if they are:
 - Received within 5 days following the applicable correction date
 - Accompanied by your written statement explaining the exceptional circumstances that caused the delay.
- The assistant director may respond to a request received by telephone or personal conversation if the request is timely.



Note:

The Department doesn't accept late requests when compliance activity related to the abatement starts before the request is received.

- The Department accepts requests by:
 - First class mail postage prepaid. Mailed to:
DEPARTMENT OF LABOR AND INDUSTRIES
WISHA APPEALS
P.O. BOX 44604
OLYMPIA WA 98504-4604
 - Personal delivery
 - Fax: (360) 902-5581





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35062

WISHA's response to your request for more time

- Before making a decision, WISHA may conduct an investigation. Once made, the decision remains in effect unless a hearing is requested by the employee or employee representative.
- Unless you receive a response from the department granting your request for more time, the original abatement date will remain in effect.



Note:

Although the department may grant more time to correct hazards at its discretion, and employee can appeal if an extension is granted.

WAC 296-800-35063

Post the Department's response

You must

- Post notices with the citation for which you are requesting additional abatement time immediately upon receipt. The notices must remain posted until:
 - The abatement date has passed
- OR**
- A hearing notice is posted.

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35064

A hearing can be requested about the Department's response

- The affected employees, or their authorized representative may request a hearing if they disagree with the Department's response to a request for more time to comply.
- All hearing requests must be sent or delivered to the Assistant Director and be received no later than 10 calendar days after the issue date of the notice.
- Upon receiving a hearing request, the Assistant Director will issue a Notice of Hearing to the requesting party and the employer at least 20 days before the hearing date. The hearing notice will:
 - State that all interested parties can participate in the hearing.
 - Set the time and date, including:
 - the time, place, and nature of the proceeding
 - the legal authority and jurisdiction under which the hearing will be held
 - a reference to the particular sections of the statute and rules involved,
and
 - a short and clear explanation why a hearing was requested.
- The employer must post the Department's hearing notice or a complete copy until the hearing is held. This includes the:
 - Citation containing the correction date for which more time was requested





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35065

Post the Department's hearing notice

You must

- Post the Department's hearing notice or a complete copy until the hearing is held. This includes the:
 - Citation containing the correction date for which more time was requested.
 - Department notices issued in response to the employer's request for more time.

WAC 296-800-35066

Hearing procedures

- The Assistant Director for WISHA services will appoint someone from the Department to act as a hearings officer.
- The hearings officer must be present at, and conduct, the hearing. An Assistant Attorney General may be present to give legal advice to the hearings officer.
- If the hearings officer requests, the Assistant Attorney General may conduct the hearing.
- The hearings officer may discuss the material to be presented to determine how the hearing will proceed.
- The hearing must be conducted according to the Administrative Procedure Act. Copies of hearing transcripts will be available to the parties, at cost, upon request.

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35072

Post the hearing decision

- After the hearing, the Assistant Director will issue an order:
 - Affirming or modifying the correction date that caused the hearing
- AND**
- Complying with the provisions of the Administrative Procedure Act, Chapter 34.05 RCW and the Practice and Procedure Rules, Chapter 296-08 WAC.

You must

- Post a complete, unedited copy of this decision, along with the citation to which it applies, as soon as it is received.

Requesting an Appeal of WISHA Citations and Corrective Notices

WAC 296-800-35076

Employers and employees can request an appeal of a Citation and Notice

EMPLOYER REQUESTS

- Any employer cited for a violation of WISHA safety and health rules may appeal a citation or corrective notice.
- Your request must include:
 - Business name, address, telephone number; and the name, address and telephone number of any person representing you.
 - Citation number.
 - What you think is wrong with the citation or corrective notice and any related facts.
 - What you think should be changed, and why.





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

EMPLOYEE REQUESTS

- Any employee or employee representative who could be affected by a citation or its correction may appeal the abatement date in the citation or corrective notice.
- Your request must include:
 - Your name, address, telephone number, and the name, address and telephone number of any person representing you.
 - Citation number.
 - What you think is wrong with the abatement date.

SUBMITTING APPEAL REQUESTS

- All appeal requests must be in writing and submitted to the Department within 15 working days after receiving the citation corrective notice. If you mail your request, the postmark is considered the submission date.
- All requests must be:
 - Mailed to:
DEPARTMENT OF LABOR AND INDUSTRIES
WISHA APPEALS
P.O. BOX 44604
OLYMPIA, WA 98504-4604
OR
 - Faxed to: (360) 902-5581
OR
 - Brought to any Department service location.

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35078

Await the Department's response to your appeal request

- When an appeal request is received, the Department decides whether to reassume jurisdiction over the Citation and Notice being appealed or forward the appeal to the Board of Industrial Insurance Appeals. The Department will notify the person who submitted the appeal when the Department reassumes jurisdiction.



Definition:

Reassume jurisdiction means that the Department has decided to hear the appeal.

- The Department may reassume jurisdiction to:
 - Provide an employer and affected employees an opportunity to present relevant information, facts, and opinions during an informal conference.
 - Give an employer, affected employees and the Department an opportunity to resolve appeals rapidly and without further contest, especially in routine compliance cases.
 - Educate employers about the Citation and Notice, the WISHA appeals process, and WISHA compliance.
 - Review citations, penalties, and correction dates for fairness and accuracy to ensure quality work by the Department.
- If the Department doesn't reassume jurisdiction, it will send the appeal to the Board of Industrial Insurance Appeals. The board will send the person submitting the appeal a notice with the time and location of any board proceedings.





WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35080

Department actions when reassuming jurisdiction over an appeal

- The Department has 30 working days after receipt of the appeal to review it, gather more information and decide whether to make changes to the Citation and Notice. The 30 working days begin with the first working day after the appeal is received. For example, if an appeal is received on Friday, the 30 days will begin on the following Monday unless it is a state holiday.
- The Department may extend the appeal review period up to an additional 15 working days if everyone involved agrees to the extension.
- During the review period, the Department will hold an informal conference about the appeal.
 - An informal conference isn't an evidentiary hearing. It is an opportunity for interested parties to briefly explain their positions and provide any additional information they would like the Department to consider when reviewing the Citation and Notice.
 - Although informal, the conference is an official conference and the Department may record all or part of it. The Department will tell participants when the conference will be recorded.
- After the review period, the Department will issue a corrective notice reflecting any changes made to the Citation and Notice. This notice will be sent to the employer and any employee representatives participating in the appeal process.

WAC 296-800-35082

Appealing a corrective notice

- Anyone who can appeal a Citation and Notice may appeal a corrective notice. All corrective notice appeals must be submitted within 15 working days after the notice was received.

WISHA Appeals, Penalties, & Other Procedural Rules

WAC 296-800-350

Rule

WAC 296-800-35084

Notify employees

You must

- Immediately post all correspondence from the Department in a conspicuous place after submitting an appeal. This correspondence includes:
 - The notice of appeal
 - The notice explaining that the Department reassumed jurisdiction over the Citation and Notice
 - Any extensions to the review period
 - The notice for an informal conference
 - Corrective notices.
- Post all notices and information related to the appeal in the place where WISHA Citations and Notices are posted (see WAC 296 -800-35050). These include:
 - A notice of appeal until the appeal is resolved.
 - Notices about the Department reassuming jurisdiction and any extension of the review period until the end of review period.
 - A notice of an informal conference until after the conference is held.
 - Corrective notices for as long as Citations and Notices must be posted.
 - Requesting alternate means of compliance with WISHA rules.



Note:

If you wish to develop an alternate means of compliance with WISHA rules, you may do so by following the instructions in WAC 296-350-700, Variances from WISHA rules.

- In certain circumstances, the Department allows an employer to vary from a specific WISHA safety and health standard if the employer uses Department-approved substitute measures to protect employees. The substitute measure must provide at least the same protection from workplace hazards as provided by the WISHA standard.

Notes

Using Standards from National Organizations & Federal Agencies

WAC 296-800-360

Rule

YOUR RESPONSIBILITY:

To use the safety and health standards from national organizations and federal agencies, when directed to by WISHA rules

WAC 296-800-36005

Comply with standards of national organizations or federal agencies when referenced in WISHA rules

You must

- Use the following to be in compliance with WISHA rules:
 - The edition of the standard specified in the WISHA rule
- OR
- Any edition published after the edition specified in the WISHA rule.



Note:

The specific standards referenced in the WISHA rules are available:

- For review at your local Department of Labor and Industries office
- See <http://www.wa.gov/lni/pa/direct.htm>
- Through the local library system
- Through the issuing organization.

Using Standards from
National Organizations &
Federal Agencies



Notes

Definitions

WAC 296-800-370

WAC 296-800-370

Definitions

Abatement Action Plans

Refers to your written plans for correcting a WISHA violation.

Abatement date

The date on the citation when you must comply with specific safety and health standards listed on the Citation and Notice of assessment or the corrective notice of redetermination.

Acceptable

As used in Electrical, WAC 296-800-280 means an installation or equipment is acceptable to the Director of Labor and Industries, and approved

- If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory

OR

- With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section

OR

- With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

Accepted

As used in Electrical, WAC 296-800-280 means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.



Definitions

WAC 296-800-370

Access

As used in Material Safety Data Sheets (MSDSs) as Exposure Records, WAC 296-800-180 means the right and opportunity to examine and copy exposure records.

Affected employees

As used in WISHA Appeals, Penalties and Other Procedural Rules, WAC 296-800-350 means employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records

- An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either
 - Partial or complete information from individual employee exposure or medical records
- OR**
- Information collected from health insurance claim records.
- The analysis is not final until it has been
 - Reported to the employer
- OR**
- Completed by the person responsible for the analysis.

ANSI

This is an acronym for the American National Standards Institute.

Approved means:

- Approved by the Director of the Department of Labor and Industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).
- As used in Electrical, WAC 296-800-280 means acceptable to the authority enforcing this section. The authority enforcing this section is the Director of Labor and Industries. The definition of acceptable indicates what is acceptable to the Director and therefore approved.



Definitions

WAC 296-800-370

Assistant director

The assistant director for the WISHA services division at the Department of Labor and Industries or his/her designated representative.

ASTM

This is an acronym for American Society for Testing and Materials.

Attachment plug or plug

As used in the Basic Electrical Rules, WAC 296-800-280, means the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

Bare conductor

A conductor that does not have any covering or insulation.

Bathroom

A room maintained within or on the premises of any place of employment, containing toilets that flush for use by employees.

Biological agents

Organisms or their by-products.

Board

As used in WISHA Appeals, Penalties and Other Procedural Rules, WAC 296-800-350 means the Board of Industrial Insurance Appeals.

Ceiling

An exposure limit that must not be exceeded during any part of the employee's workday. The ceiling must be determined over the shortest time period feasible and shouldn't exceed 15 minutes.

Certification

As used in WISHA Appeals, Penalties and Other Procedural Rules, WAC 296-800-350 means refers to an employer's written statement describing when and how a citation violation was corrected.



Definitions

WAC 296-800-370

CFR

This is an acronym for Code of Federal Regulations.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical agents (airborne or contact)

A chemical agents is any of the following:

- Airborne chemical agent which is any of the following:
 - Dust - solid particles suspended in air, that are created by actions such as:
 - Handling
 - Drilling
 - Crushing
 - Grinding
 - Rapid impact
 - Detonation
 - Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.
 - Fume - solid particles suspended in air, that are created by condensation from the gaseous state.
 - Gas - a normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.
 - Mist - liquid droplets suspended in air. Mist is created by:
 - Condensation from the gaseous to the liquid state;
OR



Definitions

WAC 296-800-370

- Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.
- Vapor - the gaseous form of a substance that is normally in the solid or liquid state.
- Contact chemical agent which is any of the following:
 - Corrosive - a substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.
 - Irritant - a substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.
 - Toxicant - a substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)
- The Chemical Abstracts Service (CAS) rules of nomenclature
- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker

- Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)
- Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal.)



Definitions

WAC 296-800-370

Citation

Refers to the Citation and Notice issued to an employer for any violation of WISHA safety and health rules. A Citation and Notice may be referred to as a Citation and Notice of assessment but is more commonly referred to as a citation.

Combustible liquid

A combustible liquid has a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account

As used in Employers Chemical Hazard Communication, WAC 296-800-170, means an arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

As used in Employers Chemical Hazard Communication, WAC 296-800-170, means any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name
- Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding

- 40 psi at 70°F (21.1°C)

OR

- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C).

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)



Definitions

WAC 296-800-370

Conductor

A wire that transfers electric power.

Container

As used in Employer Chemical Hazard Communications, WAC 296-800-170, means any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum
- Reaction vessel
- Storage tank.

Correction date

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

Corrective notice

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.



Definitions

WAC 296-800-370

Corrosive

A substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

Covered conductor

A conductor that is covered by something else besides electrical insulation.

Damp location

As used in Basic Electrical Rules, WAC 296-800-280, means partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department

Those portions of the Department of Labor and Industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

Director

The Director means the Director of the Department of Labor and Industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers.

Documentation

As used in WISHA Appeals, Penalties and Other Procedural Rules, WAC 296-800-350 means material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.



Definitions

WAC 296-800-370

Dry location

As used in Basic Electrical Requirements, WAC 296-800-280 means areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Dust

Solid particles suspended in air that are created by actions such as:

- Handling
- Drilling
- Crushing
- Grinding
- Rapid impact
- Detonation
- Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

Electrical outlets

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Employee

Based on chapter 49.17 RCW, the term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.



Definitions

WAC 296-800-370

Employee exposure record

As used in Material Safety Data Sheets (MSDSs) as Exposure Records, WAC 296-800-180 means a record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs
- Material Safety Data Sheets indicating that the material may pose a hazard to human health

OR

- In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Employer

Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, that any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Exit

Provides a way of travel out of the workplace.

Exit route

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.



Definitions

WAC 296-800-370

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposed live parts

Electrical parts that are:

- Not suitably guarded, isolated, or insulated

AND

- Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed

As used in Employer Chemical Hazard Communication, WAC 296-800-170, and Material Safety Data Sheets (MSDSs) as Exposure Records, WAC 296-800-180. An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

-Continued-



Definitions

WAC 296-800-370

WAC 296-800-370 (Continued)

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is

- Used
- Handled
- Stored
- Generated
- Present.

Exposure record

See definition for employee exposure record.

Extension ladder

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate

Any violation(s) resulting from not complying with an abatement date.

Final order

Any of the following (unless an employer or other party files a timely appeal):

- Citation and Notice
- Corrective Notice
- Decision and Order from the Board of Industrial Insurance Appeals
- Denial of Petition for review from the Board of Industrial Insurance Appeals

OR

- Decision from a Washington State Superior Court, Court of Appeals, or the State Supreme Court.



Final order date

The date a final order is issued.

First aid

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X-rays, must not be confused with treatment.

Flammable

A chemical covered by one of the following categories:

- Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening.

- Gas, flammable means:

- A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less.

OR

- A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.
- Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.
- Solid, flammable means a solid, other than a blasting agent or explosive as defined in 29 CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.



Definitions

WAC 296-800-370

Flashpoint

- The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:
 - Tagliabue closed tester: (See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test.

OR

- Pensky-Martens closed tester: (See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or
- Setaflash closed tester. (See American National Standard Method of Test for Flashpoint by Setaflash Closed Tester (ASTM D 3278-78)).



Note:

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Flexible cords and cables

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.



Floor hole

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

- Belt holes
- Pipe openings
- Slot openings.

Floor opening

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes

The following are **NOT** considered floor openings:

- Openings occupied by elevators
- Dumbwaiters
- Conveyors
- Machinery
- Containers.



Definitions

WAC 296-800-370

Foreseeable emergency

As used in Employer Chemical Hazard Communications, WAC 296-800-170 means any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Fume

Solid particles suspended in air that are created by condensation from the gaseous state.

Gas

A normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Ground

As used in Electrical, WAC 296-800-280, a connection between an electrical circuit or equipment and the earth or other conducting body besides the earth. This connection can be intentional or accidental.

Grounded

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor

A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the over-current protective device of the supply circuit.

Grounding conductor

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.



Grounding conductor, equipment

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

Hand-held drench hoses

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

Handrail

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent

Any physical stress such as, noise, vibration, repetitive motion, heat, cold, ionizing and nonionizing radiation, and hypo- or hyperbaric pressure, etc.) which:

- Is listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS);

OR

- Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;

OR

- Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.



Definitions

WAC 296-800-370

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning

As used in Employer Chemical Hazard Communications, WAC 296-800-170 means can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).



Note:

See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical

Any chemical that is a physical or health hazard.

Health hazard

A chemical, mixture, biological agent, or physical agent that may cause health effects in short- or long-term exposed employees. Based on statistically significant evidence from at least one study conducted using established scientific principles. Health hazards include:

- Carcinogens
- Toxic or highly toxic agents
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)

-Continued-



WAC 296-800-370 (Continued)

- Substances that act on the hematopoietic system (blood or blood-forming system)
- Substances that can damage the lungs, skin, eyes, or mucous membranes
- Hot or cold conditions.

Hospitalization

To be sent to, to go to, or be admitted to, a hospital or an equivalent medical facility and receive medical treatment beyond first-aid treatment, regardless of the length of stay in the hospital or medical facility.

Identity

As used in Employer Chemical Hazard Communications, WAC 296-800-170 any chemical or common name listed on the Material Safety Data Sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs.

Imminent danger violation

Any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.



Definitions

WAC 296-800-370

Importer

The first business within the Customs Territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA.

Insulated

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on

- The amount of voltage involved

AND

- The type of covering material.

Interim waiver

An order granted by the department allowing an employer to vary from WISHA requirements until the Department decides to grant a permanent or temporary waiver.

Irritant

A substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

Ladder

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.



Definitions

WAC 296-800-370

Listed

Equipment is listed if it:

- Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment.

AND

- States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Material Safety Data Sheet (MSDS)

Written, printed, or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, employers or employees about a hazardous chemical, its hazards, and protective measures as required by Material Safety Data Sheet and Label Preparation, chapter 296-839 WAC.

Medical treatment

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mist

Liquid droplets suspended in air. Mist is created by:

- Condensation from the gaseous to the liquid state;

OR

- Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

Mixture

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).



Definitions

WAC 296-800-370

Movable equipment

As used in WAC 296-800-35052, a hand-held or nonhand-held machine or device

- That is powered or nonpowered

AND

- Can be moved within or between worksites.

Must

Must means mandatory.

NEMA

These initials stand for National Electrical Manufacturing Association.

NFPA

This is an acronym for National Fire Protection Association.

Nose

The portion of the stair tread that projects over the face of the riser below it.

Occupational Safety and Health Administration (OSHA)

Created in 1970 when the U.S. Congress passed the Occupational Safety and Health Act, the Occupational Safety and Health Administration (OSHA) provides safety on the job for workers. OSHA oversees state plans (such as WISHA in Washington) that have elected to administer the safety and health program for their state. OSHA requires WISHA rules to be at least as effective as OSHA rules.



Definitions

WAC 296-800-370

Office work environment

An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
- Office areas of manufacturing and production facilities, not including process areas.
- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Open riser

A stair step with an air space between treads has an open riser.

Organic peroxide

This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Outlet

See definition for electrical outlets.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-60130 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are specified in applicable WISHA rules.



Definitions

WAC 296-800-370

Person

Based on chapter 49.17 RCW, one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

Personal eyewash units

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than 15 minutes.

Personal service room

Used for activities not directly connected with a business' production or service function such as:

- First-aid
- Medical services
- Dressing
- Showering
- Bathrooms
- Washing
- Eating.

Personnel

See the definition for employees.



Definitions

WAC 296-800-370

Physical hazard

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means a chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable
- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive.

Platform

Platform means an extended step or landing that breaks a continuous run of stairs.

Plug

See definition for attachment plug.

Potable water

Water that you can safely drink. It meets specific safety standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.



Definitions

WAC 296-800-370

Predictable and regular basis

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed:

- At least once every 2 weeks

OR

- 4 man-hours or more during any sequential 4-week period. (To calculate man-hours multiply the number of employees by the number of hours during a 4-week period.)

Produce

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Purchaser

As used in Employer Chemical Hazard Communication, WAC 296-800-170, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.



Definitions

WAC 296-800-370

Qualified person

A person who has successfully demonstrated the ability to solve problems relating to the subject matter, work, or project, either by:

- Possession of a recognized degree, certificate, or professional standing;

OR

- Extensive knowledge, training and experience.

Railing or standard railing

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction

The department has decided to take back its control over a citation and notice being appealed.

Receptacle or receptacle outlet

As used in Basic Electrical Rules, WAC 296-800-280 means outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record

A record is any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- Computer record.



Definitions

WAC 296-800-370

Repeat violation

A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard.

Responsible party

As used in Employer Chemical Hazard Communication, WAC 296-800-170. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise

The vertical distance from the top of a tread to the top of the next higher tread.

Riser

The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

Runway

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety factor

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Serious violation

Serious violation must be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Short-term exposure limit (STEL)

An exposure limit, averaged over a short time period (usually measured for 15 minutes) that must not be exceeded during any part of an employee's workday.



Should

Should means recommended.

Single ladder

A type of portable ladder with one section.

It is distinguished by all of the following:

- It has one section
- It cannot support itself
- Its length cannot be adjusted.

Smoking

A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning.

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical Abstracts Service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Stair railing

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail



Definitions

WAC 296-800-370

Stairs or stairway

A series of steps and landings:

- Leading from one level or floor to another.
- Leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment.
- Used more or less continuously or routinely by employees, or only occasionally by specific individuals.
- With three or more risers.

Standard safeguard

Safety devices that prevent hazards by their attachment to:

- Machinery
- Appliances
- Tools
- Buildings
- Equipment.

These safeguards must be constructed of:

- Metal
- Wood
- Other suitable materials.

The Department makes the final determination about whether a safeguard is sufficient for its use.



Step ladder

A portable ladder with:

- Flat steps
- A hinge at the top allowing the ladder to fold out and support itself
- Its length that cannot be adjusted.

Time weighted average (TWA₈)

An exposure limit, averaged over 8 hours, that must not be exceeded during an employee's work shift.

Toeboard

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

Toxic chemical

As used in first aid, WAC 296-800-150, is a chemical that produces serious injury or illness when absorbed through any body surface.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

- Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS)
- Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer
- The subject of a material safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Toxicant

A substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.



Definitions

WAC 296-800-370

Trade secret

Any confidential

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information.

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Tread

As used in Stairs and Stair Railings, WAC 296-800-250 means the horizontal part of the stair step.

Tread run

As used in Stairs and Stair Railings, WAC 296-800-250 means the distance from the front of one stair tread to the front of an adjacent tread.

Tread width

The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.)

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.



Definitions

WAC 296-800-370

Unstable (reactive)

As used in Employer Chemical Hazard Communication, WAC 296-800-170. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

As used in Employer Chemical Hazard Communication, WAC 296-800-170, means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

Voltage of a circuit

The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground

The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.



Definitions

WAC 296-800-370

Voltage, nominal

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC

This is an acronym for Washington Administrative Code, which are rules developed to address state law.

Water-reactive

As used in Employer Chemical Hazard Communication, WAC 296-800-170, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight

Constructed so that moisture will not enter the enclosure or container.

Weatherproof

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location

As used in Basic Electrical Rules, WAC 296-800-280 means:

- Underground installations or in concrete slabs or masonry that are in direct contact with the earth
- Locations that can be saturated by water or other liquids.
- Unprotected locations exposed to the weather (like vehicle washing areas).



Definitions

WAC 296-800-370

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

Work area

As used in employer chemical hazard communication, WAC 296-800-170, a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Working days

Means a calendar day, except Saturdays, Sundays, and legal holidays. Legal holidays include:

- New Year's Day - January 1
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day - July 4
- Labor Day
- Veterans' Day - November 11
- Thanksgiving Day
- The day after Thanksgiving Day; and
- Christmas Day - December 25

The number of working days must be calculated by not counting the first working day and counting the last working day.

Worker

See the definition for employee.



Definitions

WAC 296-800-370

Workplace

The term workplace means:

- Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.
- As used in Employer Chemical Hazard Communication, WAC 296-800-170, means an establishment, job site, or project, at one geographical location containing one or more work areas.

You

See definition of employer.

Your representative

Your representative is the person selected to act in your behalf.

